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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,524	12/12/2001	Akio Ito	12324799	8531

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MORGAN & FINNEGAN, L.L.P.  
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NEW YORK, NY 10281-2101

EXAMINER

GRANT II, JEROME

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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08/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/021,524

Applicant(s)

ITO

Examiner

Jerome Grant II

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 11, 12, 14, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11, 12, 14, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Detailed Action

1.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for reading an original of a predetermined size, does not reasonably provide enablement for “conveying in accordance with the position of the abnormal data.” The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. Correction is required.

2.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, 11, 12, 14, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kameyama.

With respect to claim 1, Kameyama teaches a reading apparatus 1, according to figure 2, comprising: an original convey unit (5, 6, 8, 9 and 10); an image reading unit 2/34 adapted to read the original and claimed; an abnormality detection unit (sensor 7 in combination with system controller 21/31 taken together; and control unit 21 or 31 adapted to limit reading operation of an original having a predetermined size as claimed. Control means 21/31 functions performing a no read operation until it has been detected that the abnormality has been corrected. Such abnormality could result from , blurs, streaks on the white roller or defects in the photocell used in scanning. In the event of abnormalities in the photocell, the corrective processing is executed with respect to the position of the abnormality of the photocell. Page 5, lines 30-33 suggests if the abnormality is detected, a change in the read position is executed in order to find a read position where a minimum abnormality signal is detected. Moreover, in the second mode, adjacent pixels, determined to be normal, are substituted for the abnormal detected pixels.

With respect to claims 2 and 12, the detection of the continuity of the abnormality is determined by the length of the blur or streak that is detected by the system controller 21/31. The position of the abnormality is the photocell that actually determines where the streak or blur starts and ends. Continuity and position data are measured by the length of adjacent photo cells and their positions used to detect the abnormality , see col. 6, lines 8-10 and col. 7, lines 10-29.

With respect to claims 4 and 14, Continuity and position data are measured by the length of adjacent photo cells and their positions used to detect the abnormality, see col. 6, lines 8-10 and col. 7, lines 10-29. The width is determined by the number of cells arrayed in the width direction that determine the presence of the abnormality.

With respect to claim 11, Kameyama teaches an abnormality detection unit (sensor 7 in combination with system controller 21/31 taken together; and control unit 21 or 31 adapted to limit reading operation of an original having a predetermined size as claimed. Control means 21/31 functions performing a no read operation until it has been detected that the abnormality has been corrected. Such abnormality could result from, blurs, streaks on the white roller or defects in the photocell used in scanning. In the event of abnormalities in the photocell, the corrective processing is executed with respect to the position of the abnormality of the photocell. Page 5, lines 30-33 suggests if the abnormality is detected, a change in the read position is executed in order to find a read position where a minimum abnormality signal is detected. Moreover, in the second mode, adjacent pixels, determined to be normal, are substituted for the abnormal detected pixels.

With respect to claim 16 Kameyama teaches a program (inherently stored in system memory 32) causing a computer (system controller 31) to execute the reading method.

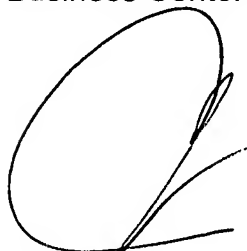
With respect to claim 17, Kameyama teaches a storage medium (system memory 32) for storing a program in a computer (system 31).

3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Grant II